

TMH:th
AO 91 (Rev. 5/85) Criminal Complaint

United States District Court

STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

NOE PRIETO

CASE NUMBER:

MJ 10-275 JSM

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 9, 2010, in Hennepin County, in the

State and District of Minnesota, the defendant did, (Track Statutory Language of Offense)

unlawfully, knowingly and intentionally possess with intent to distribute five kilograms or more of a mixture and substance containing a detectable amount of cocaine, a controlled substance,

in violation of Title 21 United States Code, Sections 841(a)(1) and 841(a)(1)(A).

I further state that I am a Task Force Officer, DEA and that this complaint is based on the following facts:
Official Title

See Attached Affidavit

Continued on the attached sheet and made a part hereof:



Yes



No

[Signature]

Signature of Complainant

Denis Otterness

Task Force Officer, DEA

Sworn to before me and subscribed in my presence,

Date

7/15/10

at

Saint Paul, Minnesota

City and State

Janie S. Mayeron, U.S. Magistrate Judge

Name & Title of Judicial Officer

[Signature]

Signature of Judicial Officer

SCANNED

JUL 15 2010

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)
) ss AFFIDAVIT OF DENIS OTTERNESS
COUNTY OF RAMSEY)

I, Denis Otterness, being duly sworn, depose and state as follows:

1. I am a Task Force Officer with the United States Drug Enforcement Administration (DEA) and have been so assigned since 2006. I am also a police officer with the Bloomington Police Department and have been so employed since 1998. I have received extensive training in drug trafficking investigations. I have participated in several state and federal investigations which have resulted in the arrests of numerous individuals charged with the possession and distribution of controlled substances and the seizure of numerous drug-related assets.

2. This affidavit is submitted in support of a criminal complaint charging NOE PRIETO with possession with intent to distribute five kilograms or more of a mixture and substance containing a detectable amount of cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A).

3. The facts and information contained in this affidavit are based upon my own investigation and observations and those of other agents and police officers. This affidavit contains information necessary to support probable cause for this application. It is not intended to include each and every fact and matter observed by me or known to the government.

4. On July 9, 2010, at approximately 10:00 a.m., detectives from the Bloomington Police Department received suspicious information concerning the occupant of Room 15 at the Travelodge Motel in Bloomington, Minnesota. The detectives knocked on the door to Room 15 and a man answered who was subsequently identified as NOE PRIETO. The detectives identified themselves as police officers and asked if they could speak with him. PRIETO replied: "Yes, give me just a minute." PRIETO then closed the door. After several minutes, the detectives knocked on the door again but no one answered. After about 15 minutes, the detectives saw a person open up the curtain to the room, look at the detectives, and then shut the curtain. A few minutes later, a man, who was subsequently identified as Felipe Morfin, opened the door. PRIETO was standing behind him. The detectives asked if they could speak to them and they agreed. After providing suspicious answers to various questions, both consented to a search of the room.

5. During the search, the detectives seized duct tape, rubber gloves and plastic packaging material from the garbage can near the bathroom. The size and shape of the packaging material was consistent with a package that had contained a kilogram of cocaine. The packaging material had water inside of it and it appeared the contents had recently been washed out. The packaging material had the odor of cocaine as did the bathroom. The detectives seized five additional kilogram-shaped packages under the beds, all of

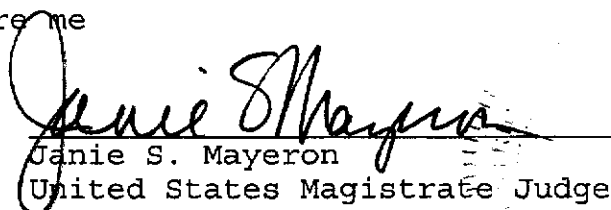
which were wet as if the contents of them had recently been washed out. The detectives also seized a vacuum sealer, plastic bags, and several cellular phones. The detectives noted that the sink area outside of the bathroom had water all over the counter. One of the packages still contained a wet piece of a white substance which field-tested positive for cocaine. The detectives later noted that PRIETO's shirt had a white powder on it which field-tested positive for cocaine. The detectives concluded from this evidence that PRIETO, and possibly Morfin, had flushed approximately six kilograms of cocaine down the sink and shower when the two became aware of the police presence.

6. Based on the foregoing, there is probable cause to believe that on or about July 9, 2010, in Hennepin County, within the State and District of Minnesota, the defendant, NOE PRIETO, did unlawfully, knowingly and intentionally possess with intent to distribute five kilograms or more of a mixture and substance containing a detectable amount of cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A).



Denis Otterness
Task Force Officer, DEA

Sworn and subscribed to before me
this 15 day of July, 2010.



Janie S. Mayeron
United States Magistrate Judge